

## **ARTICLE 5**

### **GROWTH MANAGEMENT ORDINANCE**

#### **5.1 AUTHORITY**

This section of the zoning ordinance is enacted in accordance with RSAs 674:21 and 674:22.

#### **5.2 PURPOSE**

The purposes of the Growth Management section of the Zoning Ordinance are as follows:

- (a) Manage orderly growth in Northfield in coordination with the Northfield Master Plan and Northfield Capital Improvements Program.
- (b) Determine, monitor, evaluate, and manage a rate of residential growth in the Town of Northfield that does not unreasonably interfere with the Town's capacity for planned, orderly, and reasonable expansion of its services to accommodate such growth.
- (c) Provide a temporary mechanism when municipal services are strained or overloaded to reduce the rate of residential growth and thereby allow the Town time to correct any deficiencies that have developed.

#### **5.3 DEFINITIONS**

**Development Phasing:** Regulating the timing of development.

**First-Tier Region:** All communities that directly abut the Town of Northfield, but **not including** the Town of Northfield itself. The First-Tier Region for the Town of Northfield includes: Canterbury, Boscawen, Belmont, Franklin, and Tilton.

**Full Value Tax Rate:** The effective rate of taxation based on the estimated full value of property with the average local tax rate.

**Growth Management:** A process designed to assess and balance community and regional development needs by implementing Permit Limitations and/or Development Phasing.

**Indicator of Growth:** A quantitative standard used by the Planning Board to determine if there is a need to consider implementing Growth Management.

**Indicator of Growth Declaration:** Formal notice by the Planning Board that an Indicator of Growth has been found to exist and that the Planning Board will consider implementing Growth Management.

**Municipal Services:** Services traditionally provided by the Town of Northfield, including, but not limited to, public water and sewer, roads, parks and recreation, libraries, schools, and police and fire protection.

**Notice of Development Phasing:** Either separate or combined with an Indicator of Growth Declaration, a Notice of Development Phasing will describe the date and time the Planning Board will hold a Public Hearing prior to implementing Development Phasing.

**Notice of Permit Limitations:** Either separate or combined with an Indicator of Growth Declaration, a Notice of Permit Limitations will describe the date and time the Planning Board will hold a Public Hearing prior to implementing Permit Limitations.

**Permit Limitations:** Regulating the rate of development by limiting residential building permits over a specified time period.

**Residential Growth:** The change in the number of new residential dwelling units.

**Residential Building Permits:** Any permit issued by the Selectmen, or their designated agent (i.e. Building Inspector) for the construction of a new dwelling unit (i.e., for the purposes of this ordinance, one (1) building permit equals one (1) dwelling unit).

## **5.4 FINDINGS**

The Town hereby finds that:

- (a) The number of residential building permits issued in Northfield in 2001 increased over 344% from residential building permits issued in 1998. In contrast, the number of residential building permits issued in Northfield's First-Tier Region (defined above) increased by approximately 18% for the same time period (Source: *NH Office of State Planning, Current Estimates and Trends in Housing Supply, Update 1999 and Update 2001.*)
- (b) The number of residential building permits issued in Northfield in 2000 and 2001 increased substantially from levels experienced in the 1990s. There were 9 permits issued in 1998, 18 issued in 1999, 28 issued in 2000, and 40 issued in 2001 (Source: *NH Office of State Planning, Current Estimates and Trends in Housing Supply, Update 1999 and Update 2001.*)

- (c) Northfield's population grew from 3,051 in 1980 to 4,548 in 2000, an increase of 1,497 people or 49.1%. In contrast, the population in Northfield's First-Tier Region (defined above) increased from 20,159 in 1980 to 24,249 in 2000, an increase of 4,090 people or 20.3 %. Much of the growth depicted by the U.S. Census occurred in the 1980s (Source: U.S. Census 1980, 1990, 2000.)
- (d) The 2002 full value tax rate for the Town of Northfield was \$27.29 per thousand, which is 33.4% greater than the average full value tax rate for Northfield's First-Tier Region (\$20.46). This rate was also significantly higher than each of the communities located in the First-Tier Region, including the communities of Canterbury (\$18.45), Boscaawen (\$21.38), Belmont (\$20.28), Franklin (\$22.37), and Tilton (\$19.82) (Source: NH Department of Revenue Administration, 2002.)
- (e) The Planning Board adopted an update to the Northfield Master Plan on September 25, 2003. One of the principles of that Master Plan stresses the need for "Managed Growth and Development". According to the document, managing growth will promote the achievement of many other goals of the community, including the preservation of the town's rural character, the protection of open space and natural resources, the creation of a viable village area, and providing Northfield's residents with fair, realistic, and affordable community facilities and services.
- (f) The Planning Board adopted a new Northfield Capital Improvements Program (CIP) on January 14, 2004. The CIP examines tax rates, past municipal expenditure trends, and presents a detailed proposed schedule of capital expenditure over the next six years for use by the Budget Committee, Board of Selectmen, and all citizens of Northfield.

The CIP addressed capital needs for the Northfield Police Department, Tilton-Northfield Fire Department, Town Administration, Northfield Highway Department, Sewer District, Water District, School District, Library, and the Tilton-Northfield Recreation Council. The projected impact of capital needs ranges from \$1.76 to \$2.75 per thousand valuation over the six-year period from 2004 to 2009. The average impact for capital needs for the same six-year period is \$2.39 per thousand valuation per year.

## **5.5 INDICATORS OF GROWTH IMPACT**

The Town of Northfield hereby determines that the presence of the following conditions constitutes an indicator of growth.

- (a) The annual percent increase in building permits for residential dwelling units in Northfield for the past calendar year exceeds the same combined average of Northfield's First-Tier Region.

- (b) The annual percent increase in the full value tax rate of Northfield for the past calendar year, as reported by the New Hampshire Department of Revenue Administration, exceeds the same combined average rate of increase of Northfield's First-Tier Region.
- (c) The number of residential dwelling units of all projects combined, which have been approved and/or for which approval is being formally sought (i.e., an application has been made) from the Planning Board, at any time of Annual or Interim Reporting, if approved could result in conditions defined by either (a) or (b).

## **5.6 ADMINISTRATION**

- (a) Data: Building permits issued by each community on an annual basis are to be used in the Planning Board's annual reporting as described in section 6(b) below.
- (b) Annual and Interim Reporting: The Planning Board, at its first regular February meeting each year and thereafter as the Board deems beneficial or necessary, will report on the number of building permits issued for the previous calendar year for all residential dwelling units in Northfield and the First-Tier Region. This information will also be expressed as the overall annual average percent increase in residential dwelling units (based upon building permits issued). The Planning Board shall also prepare the analysis of building permit data, if necessary, as required in Section 9(a).

In addition, the Planning Board shall report on the status, as appropriate, of any development phasing or permit limitations currently in place.

All reports prepared by the Planning Board relative to growth management shall remain on file at the Town Office for as long as the reports are in effect.

- (c) Indicator of Growth Declaration: The Planning Board may, at any time, issue an Indicator of Growth Declaration, if it has determined that any of the conditions in Section 5 exist. In the case of this determination, the Planning Board shall summarize the appropriate growth indicators and notify the Board of Selectmen, the Building Inspector, and the general public of that summary by posting a notice in two public places and publishing the notice in a newspaper of general circulation in Northfield.

## **5.7 PROCEDURES FOR DEVELOPMENT PHASING OR PERMIT LIMITATIONS**

Following an Indicator of Growth Declaration and formal notification of the declaration as described in Section 6(c), the following procedures will be observed to implement Development Phasing or Permit Limitations.

- (a) Notice of Development Phasing: If the Planning Board finds in their Indicator of Growth Declaration that one (1) or more of the conditions in Section 5 exist, the Board shall prepare a Notice of Development Phasing.

This notice may be combined with the Indicator of Growth Declaration. The Notice of Development Phasing will also describe the date and location of a public hearing to seek input from the general public. All notices shall be in conformance with the requirements of RSA 675:7.

- (b) Notice of Permit Limitation: If the Planning Board finds in their Indicator of Growth Declaration that two (2) or more of the conditions in Section 5 exist, the Board shall publish a Notice of Permit Limitation.

The Notice of Permit Limitation shall include the number of permits that will be allowed as calculated in Section 9.a. This notice may be combined with the Indicator of Growth Declaration. The Notice of Permit Limitation will also describe the date and location of a public hearing to seek input from the general public. All notices shall be in conformance with the requirements of RSA 675:7.

- (c) Interim Permit Limitation: Once a Notice of Permit Limitation is published, no residential building permits shall be approved by the Building Inspector until after the hearing in Section 7.b is held and a decision is issued by the Planning Board, as described in Section 7.d.

- (d) Determination of Action: After the public hearing in Sections 7.a or 7.b, the Planning Board shall deliberate and decide whether the Notice of Development Phasing or Notice of Permit Limitation should be confirmed or not confirmed, and issue its decision. Any decision shall be issued within 45 days of the issuance of a Notice of Development Phasing or Notice of Permit Limitation. A confirmed Notice of Development Phasing or Notice of Permit Limitation shall remain in effect until rescinded by the Planning Board.

- (e) Annual Review: The operation of this Article shall be reviewed by the Planning Board at its first regular February meeting each year to insure that the annual maximum growth rate has not become inconsistent with Northfield's responsibility and capability of planning, developing, and implementing the necessary municipal systems and facilities to serve the growing town and to insure that Northfield is assuming its fair share of regional housing growth.

- (f) Development Phasing and/or Permit Limitations Rescinded: If it is deemed by the Planning Board that a Notice of Permit Limitation and/or Notice of Development Phasing shall be rescinded, the Planning Board shall prepare a notice indicating such intent. The notice shall describe the date and location of a public hearing to seek input from the general public. All notices shall be

in conformance with the requirements of RSA 675:7. Any decision to rescind or not to rescind Development Phasing and/or Permit Limitations shall be issued within 45 days of the public hearing.

#### **5.8 PHASING OF SUBDIVISION, OPEN SPACE, AND MULTI-FAMILY DEVELOPMENTS UNDER A NOTICE OF DEVELOPMENT PHASING**

- (a) Upon publishing a Notice of Development Phasing and its confirmation by the Planning Board, the Planning Board may require the phasing of a pending and future subdivision, open space, and multi-family development proposals.
- (b) Phasing Period: The Planning Board may require the phasing of a development for a period of up to five (5) years for a project that is proposed to have up to fifty (50) residential dwelling units or lots. For a project exceeding fifty (50) residential dwelling units or lots, the Planning Board may negotiate a longer period of time over which the phasing of the proposed development is to occur, based upon the size of the project and the potential impact to the Town.
- (c) Once a phasing plan is approved by the Planning Board with dates of allowed construction for each phase, the approved phasing plan shall be recorded with the Merrimack County Registry of Deeds.

#### **5.9 EQUITABLE ALLOCATION OF AVAILABLE PERMITS UNDER A NOTICE OF PERMIT LIMITATION**

- (a) Upon publishing a Notice of Permit Limitation and its confirmation by the Planning Board, the number of building permits available for the calendar year for the Town of Northfield shall be determined by multiplying the previous year's overall average percent increase in building permits in the First-Tier Region by the Town's dwelling unit base at the conclusion of the immediate past calendar year. This number shall be rounded up to the next whole number.

The allowable number of building permits available per year shall not be less than (1) the average number of permits issued in Northfield over the previous five (5) years, or (2) the average number of permits issued in the First-Tier Region over the previous five (5) years, whichever is higher. These numbers shall be rounded up to the next whole number.

- (b) To ensure equitable distribution of available permits, no individual, partnership, corporation, or other entity or its related or affiliated entities, or in the case of individuals, their relatives or persons associated in business, may receive more than twenty (20) percent of the permits, or permits for seven units, whichever is less, available during any given calendar year.

- (c) In order to be complete, building permit applications must be for lots approved by the Northfield Planning Board and registered in the Merrimack County Registry of Deeds. Lots must meet all applicable state and local regulations.
- (d) Twenty five (25) percent of the available permits shall be reserved for owners of single lots, that are not part of a subdivision of three lots or more, and are not created within one (1) year from the date of the building permit application.
- (e) Permits issued shall expire and be returned to the pool of available permits if construction on the dwelling has not begun within one (1) year. Site preparation work shall not be considered construction.
- (f) In the event that any available permits for the year are not issued, they shall be carried forward and added to the following year's quota. No more than two year's building permits shall be issued in any given calendar year.
- (g) In the event that more permits are requested than are available, the earlier application shall prevail based upon the date and time of receipt of the completed application at the Town Office. The Building Inspector may maintain a waiting list in the event that another permit becomes available during that calendar year, or it can apply to the next calendar year. The waiting list shall not extend beyond the next calendar year.
- (h) Transferability: A residential building permit approved under this Ordinance shall be valid only for the site specified on the permit application. Should the property be conveyed, the permit shall be transferred to the new owner, but the expiration date shall remain unchanged.
- (i) Application: This section applies to building permits for new residential dwelling units, as well as repair, replacement, reconstruction, or alteration of any existing seasonal dwelling units if the proposed work results in year-round residency in the unit. This section does not apply to non-residential building permits or permits for expansion or the alteration of existing year-round structures.
- (j) For the purposes of this ordinance, one building permit shall be required for each dwelling unit (e.g., one permit for a single family home, two permits for a duplex, etc.)
- (k) Any municipal code, rule, regulation, ordinance or the like notwithstanding; it is the specific intent and purpose of this ordinance that any interpretation of this Article shall be recognized and given effect that supercedes and controls the effect, meaning, definition or interpretation of any municipal ordinance, code or regulation of the Town of Northfield that is in conflict with any provision of this Article .

## **5.10 EXCEPTIONS**

- (a) In the event of damage, destruction, or demolition of any dwelling, the dwelling may be rebuilt, provided that construction is started within one year of its damage, destruction, or demolition and completed within two years.
- (b) In each September and December in a period of Notice of Permit Limitation, the Planning Board shall review the number of permits issued to date during that calendar year, determine the number of available permits, and consider the issuance of additional permits (within the available permits) to applicants that had previously received their maximum number of permits as calculated in Section 9.b.

## **5.11 APPEALS AND VARIANCES**

Appeals and variances shall be handled in accordance with the provisions of Article 9 of this Zoning Ordinance.

## **5.12 ENFORCEMENT**

Enforcement shall be handled in accordance with the provisions of Article 2 of this Zoning Ordinance.

## **5.13 SUNSET**

This Ordinance shall expire at the Annual Town Meeting in 2007 unless re-adopted at that meeting. The Planning Board shall make recommendations as to the necessity and desirability of re-adopting this Ordinance prior to said Annual Town Meeting.

# **ARTICLE 6**

## **DISTRICTS**

- 6.1** The Town of Northfield is hereby divided into four classes of districts with the following designations:

### **CONSERVATION DISTRICT: "CONS."**

Purpose: The purpose of the CONS Zone is to discourage scattered and premature growth and development in currently undeveloped areas in the Town of Northfield in order to protect valuable watersheds, wildlife habitat, agricultural lands, open space, and valuable woodlands.

Location: